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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

UNITED STATES OF AMERICA

3:13-CR-00006-HA

v.

**GOVERNMENT'S MOTION FOR A
PROTECTIVE ORDER**

**JOEL ZAVALA-ESPINOSA, and
JORGE RODRIGUEZ-MAGALLANES
(a.k.a. Jose Ascencion Antuna-Caldera),**

Defendants.

The United States of America, by S. Amanda Marshall, United States Attorney for the District of Oregon, through Steven Mygrant, Special Assistant United States Attorney, and Leah K. Bolstad, Assistant United States Attorney, for the District of Oregon, respectfully moves for an order pursuant to Rule 16(d)(1), Fed. R. Crim. P., to preclude the defense counsel of record, defense investigators and agents from copying, displaying or re-distributing any of the discovery provided by the government in the above-captioned case to anyone other than to those who are necessary to assist counsel of record during the investigation and preparation of the defense.

Count 1 of the indictment charges defendants with distribution of heroin resulting in death. The discovery in this case includes graphic images from the death investigation, contact

information for the deceased victim's family members, and identifying information for other witnesses. In addition, the discovery includes witness statements and contact information for witnesses who have expressed fear of retaliation based on their cooperation.

The government moves for an order that defendant's counsel of record maintain custody and control over the protected material and all copies thereof including copies made for use by those who are necessary to assist counsel of record during investigation and preparation for trial. The government does not object to counsel of record reviewing any and all discovery with defendant, but the government requests that the Court direct that defense counsel may not provide copies of discovery to defendant, nor allow the defendant to have unsupervised access to such documents.

The government has consulted with the attorneys for each defendant, Assistant Federal Public Defender Patrick Ehlers and panel attorney Noel Grefenson, about this motion for a protective order. Neither attorney objects to an order protecting any affidavits, reports, and/or discovery provided by the government in this case, nor an order precluding the defense from providing copies of or unsupervised access to the discovery to defendant.

DATED this 23rd day of January 2013.

Respectfully submitted,

S. AMANDA MARSHALL
United States Attorney

s/ Steven T. Mygrant
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LEAH K. BOLSTAD, OSB #05203
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